

REMARKS

Status of the Claims

Claims 1-45 are now present in this application. Claims 1, 17, 20, 36, and 44 are independent.

Claims 1, 17, and 20 have been amended. Reconsideration of this application, as amended, is respectfully requested.

Priority under 35 U.S.C. § 119

The Examiner has NOT acknowledged Applicant's claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document. **Acknowledgment thereof by the Examiner in the next Office Action is respectfully requested.**

Information Disclosure Citation

Applicants thank the Examiner for considering the references supplied with the Information Disclosure Statements filed Apr. 13, 2006, Nov. 27, 2007, Aug. 5, 2008, Jan. 27, 2009, and for providing Applicants with an initialed copy of the PTO-SB08 forms filed therewith.

Further with respect to the Information Disclosure Statement of Jan. 27, 2009, Applicants assume that the reference, U.S. Patent 6,400,665, was considered, since it was not omitted with a line-through.

Rejection under 35 U.S.C. § 112, 1st Paragraph

Rejection Under 35 U.S.C. § 112, 1st Paragraph (Written Description)
Claims 1-35 and 45 stand rejected under 35 U.S.C. § 112, 1st Paragraph. This rejection is respectfully traversed.

The Examiner states that the specification as originally filed contains no support for "without said license information."

Applicants submit that support is provided in the specification for “without said license information,” in the full context of the claim. The specification discloses the term “extracted” in page 4, paragraph [0007] and “extract” in page 69, paragraph [0142]. The term “extract” as used in the context of the specification means that the license information is no longer contained in the partial content.

In particular, according to the present specification: “The content and license information...can be recorded independent of each other on a recording medium. It is preferred at that time that the license is recorded in a secure recording region.” (specification at page 69, paragraph [0142]). This is because, if the content still contains the use condition, but only the license is stored in a secure recording region, the use condition in the content would not be secure. Also, if the separately stored use conditions were to be changed, the changed use conditions would be inconsistent with the use conditions still contained in the content stream.

Because “extracting” as disclosed in the present specification means that the license information is removed from the partial content, i.e., is no longer contained in the partial content, Applicants have replaced “obtaining” in “obtaining the license information” with “extracting” in each of the independent claims. Also, since extracting license information from a field of the partial contents result in license information that is no longer included in the partial contents, it can be seen that the claimed “partial contents without said license information” has support in the present specification.

Applicants respectfully submit that the claims, as amended, comply with the written description requirements of 35 U.S.C § 112, first paragraph. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 1-10, 12-29, 31, 33-35, and 45 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Application Publication 2005/0080746 (Zhu) in view of U.S. Application Publication 2005/0080746 (Sato). Further, claims 11, 13, 30, and 32 stand rejected under 35 U.S.C. § 103 as being unpatentable over Zhu taken together with Sato and further in view of U.S. Application Publication 2006/0218611 (Son). This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

The Examiner maintains a position that "A person of ordinary skill in the art would recognize that partial content is equivalent to and refers to a partial license for one or more data streams since in computer field software and application are generally described either in terms of licenses or contents provided it is a licensed content or product." (Final Office Action at page 4, paragraph 8).

Applicants disagree. Applicants submit that a "licensed content" does not mean that "partial content" is synonymous with "partial license." Rather, Applicants submit that one of ordinary skill in the art would understand that "licensed content" pertains to content that has an associated license. "Licensed content" does not imply that the content includes license information. In any case, Applicants submit that "partial content" and "partial license" are not the same thing, and these terms are not interchangeable in the software art.

It may be that the Examiner's argument is based on an assumption that "partial content" that is licensed may contain license information, such that both "partial content" and "partial license" each contain the same license information. Hence the Examiner has indicated in the above Section 112 rejection that the specification does not described that partial content is "without said license information."

Applicants have amended the independent claims in order to clarify that a license generation unit performs extracting the license information from the unique use condition field of the partial contents leading to partial contents that are without the license information.

Applicants submit that the cited references do not teach the combination of features as recited in the claims as amended.

As an alternative, the Examiner relies on Sato for teaching the use of partial content.

Sato defines "partial game content" as being a portion of a "complete game content" (Sato at para. [0061]). Sato discloses a method of selling digital content that provides a users with a "supplementary providing step" which is responsive to a content purchase request for remaining content that remains after initial content (e.g., the partial game content) has been provided. (Sato at para. [0014]). Sato teaches "temporally divided content installments." (Sato at para. [0017]).

Applicants submit that Sato does not make up for deficiencies in Zhu. As Applicants had previously argued for Zhu, Zhu only teaches a single formal license for a single content (whether it be partial content or full content). Neither Zhu nor Sato teach integrating partial contents and integrating partial licenses.

For at least these additional reasons, Applicants submit that the rejections fail to establish *prima facie* obviousness and must be withdrawn.

With regard to dependent claims 2-16, 18, 19, and 21-35, and 45, Applicants submit that claims 2-6, 18, 19, 21-35 and 45 depend, either directly or indirectly, from independent claims 1, 17, and 20 which is allowable for the reasons set forth above, and therefore claims 2-16, 18, 19, and 21-35, and 45 are allowable based on their dependence from claim 1, 17, and 20. Reconsideration and allowance thereof are respectfully requested.

Additional Cited References

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but have merely been cited to show the state of the art, no comment need be made with respect thereto.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact **Robert W. Downs**, Registration No. 48222, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

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Respectfully submitted,

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